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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/941,643	08/30/2001	Louis Benoit	P21366	7042

7055 7590 11/29/2001

GREENBLUM & BERNSTEIN, P.L.C.
1941 ROLAND CLARKE PLACE
RESTON, VA 20191

EXAMINER

PHAN, HAU VAN

ART UNIT	PAPER NUMBER
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3619

DATE MAILED: 11/29/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/941,643

Applicant(s)

BENOIT, LOUIS

Examiner

Hau V Phan

Art Unit

3619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 09/377,841.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. (5,735,536) in view of MacDonnel (1,977,587).

Myers et al. in figure 2 discloses a chassis (10) for an in-line skate. The chassis comprises at least one substantially horizontal foot bearing portion (15), one longitudinally extending lateral flange (26) extending downwardly from the foot-bearing portion. Myers et al. also discloses one longitudinally extending medial flange (25) extending downwardly from the foot-bearing portion. Each of the lateral flange and the medial flange has a top portion (A, see attached figure 3) adjacent to the foot-bearing portion and a bottom portion (B). Wherein both the top portions of the lateral flange and the medial flange being transversely spaced apart and both the bottom portions of the lateral flange and the medial flange being adapted to have attached therebetween at least one wheel. Myers et al. further discloses a stiffening rib (32), which is made by pressing. Myers et al. fails to show the stiffening rib extending other than in a straight line.

MacDonnell in figure 4 discloses a chassis having a stiffening rib (10) extending other than in a straight line. The rib comprises opposite ends (H, I, see attached figure 4) and being continuous between opposite ends. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the chassis of Myers et al. with the improvement of the stiffening rib as taught by MacDonnell in order to have attractive appearance peculiar to the chassis.

Regarding claim 3 Myers et al. discloses a cut-out (33) in at least one of the lateral flange and the medial flange.

Regarding claims 4-5 Myers et al. discloses a stiffening rib (32) projecting outwardly, but fails to show the rib projects inwardly. It would have been a design choice to have the rib projecting outwardly or inwardly.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Myers et al. (5,735,536) in view of Bourdeau (5,456,477).

Myers et al. in figure 2 discloses a chassis (10) for an in-line skate. The chassis comprises at least one substantially horizontal foot bearing portion (15), one longitudinally extending lateral flange (26) extending downwardly from the foot-bearing portion. Myers et al. also discloses one longitudinally extending medial flange (25) extending downwardly from the foot-bearing portion. Each of the lateral flange and the medial flange has a top portion (A, see attached figure 3) adjacent to the foot-bearing portion and a bottom portion (B). Wherein both the top portions of the lateral flange and the medial flange being transversely spaced apart and both the bottom portions of the lateral flange and the medial flange being adapted to have attached therebetween at

Art Unit: 3619

least one wheel. Myers et al. fails to show a boss having an outline devoid of a straight line.

Bourdeau in figure 3 discloses a skate with in-line wheel having a lateral flange (11A) and medial flange (11B). The lateral flange and medial flange have bosses (40, 41), which is made by pressing and having an outline devoid of a straight line. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the chassis of Myers et al. with the improvement of the boss as taught by Bourdeau in order to protect the flange against the wheel.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nyitrai discloses a roller skate, Hill, Jr. discloses a skate bearing and Seltzer discloses a skate chassis.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-2571 for regular communications and 703-308-2571 for After Final communications.

Art Unit: 3619

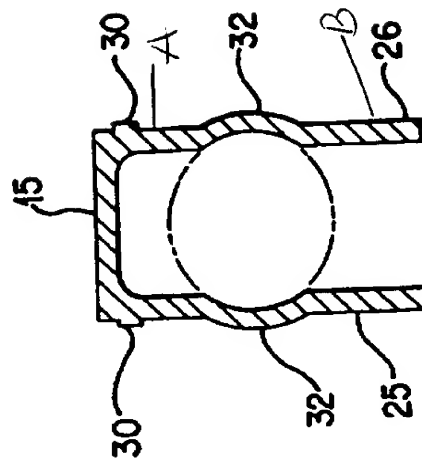
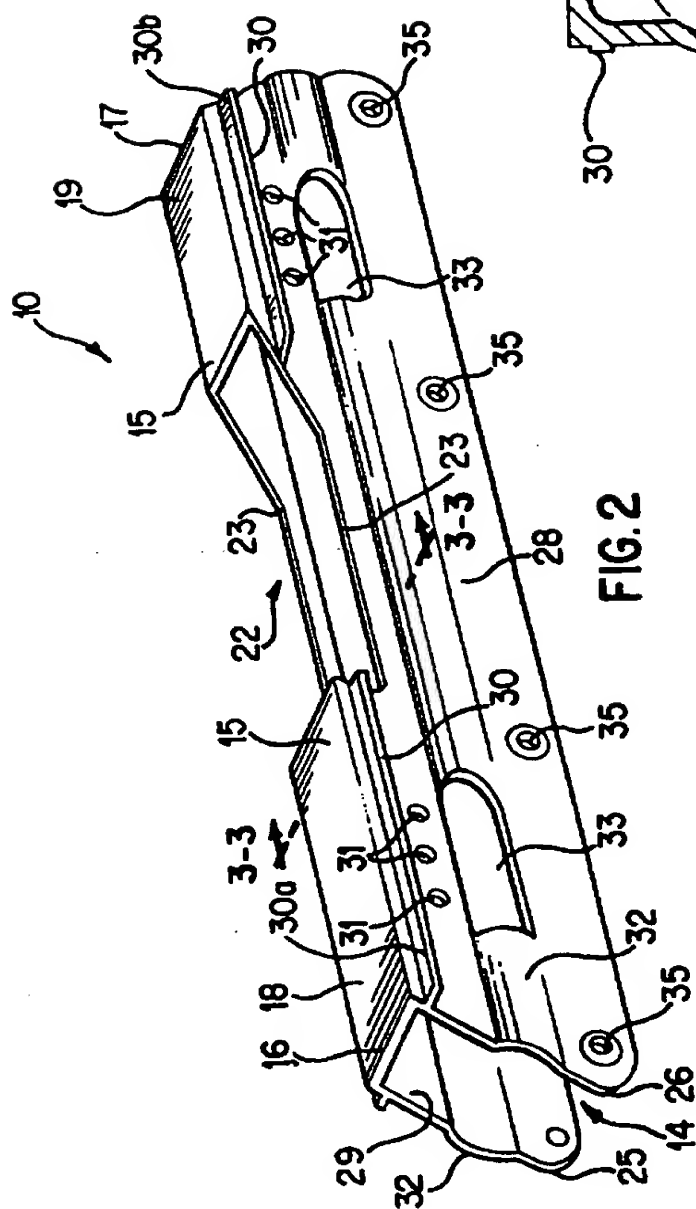
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

HP *HP*

November 21, 2001

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Lanna Mai



Oct. 16, 1934.

G. A. MacDONNELL

1,977,587

SKATE

Filed July 7, 1932

2 Sheets-Sheet 1

Fig. 1

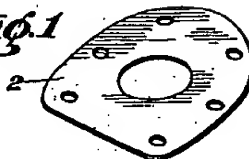


Fig. 2

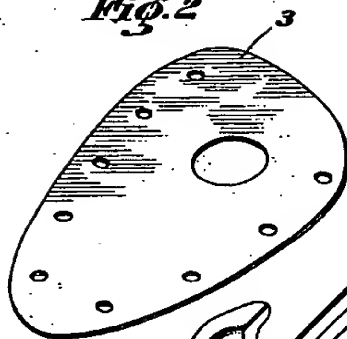


Fig. 3

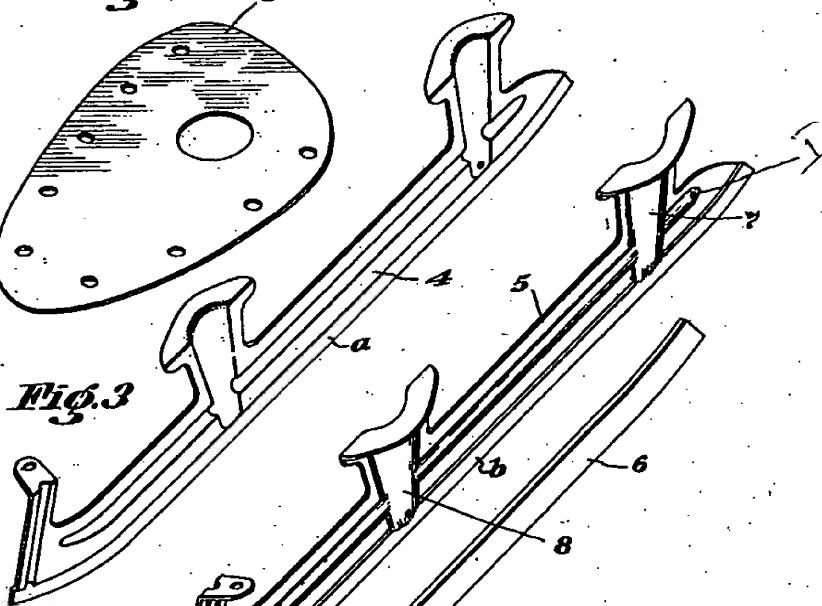


Fig. 4



Fig. 5

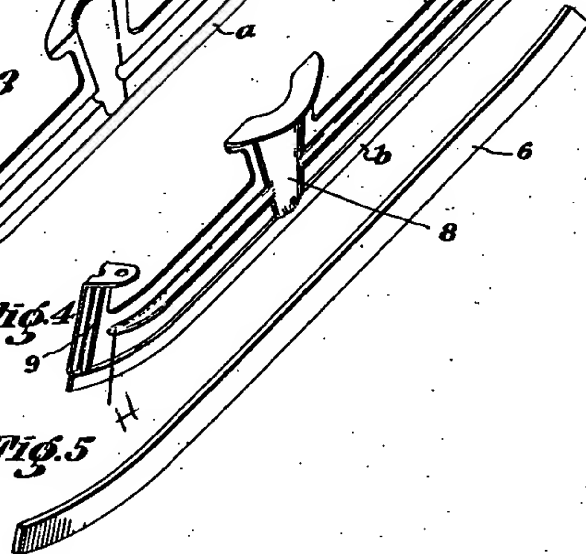
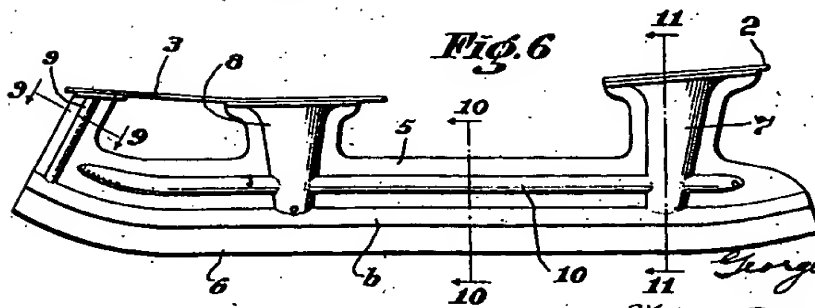


Fig. 6



INVENTOR:

George A. MacDonnell

BY

Attorney